

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Shakiyla Carter Individually and as Plaintiff,	:	
As Personal Representative/	:	CIVIL ACTION
Administrator of the Estate of	:	
Richard Carter, Deceased	:	
	:	
v.	:	
	:	
	:	JURY TRIAL DEMANDED
Dauphin County d/b/a Dauphin County Prison, et.al., Defendants	:	
	:	

NOTICE OF REMOVAL

Defendants, the County of Dauphin, Gregory Briggs, Lionel Pierre, Latonya Ray, and Bruce LeValley¹ (“Dauphin County Defendants”) hereby remove this case from the Dauphin County Court of Common Pleas:

1. On July 28, 2023, Plaintiff filed a Writ of Summons in the Court of Common Pleas of Dauphin County.
2. On October 24, 2023, Plaintiff filed a Complaint in the Dauphin County Court of Common Pleas. (See Exhibit “A”).
3. The Complaint was served on Dauphin County Defendants on October 24, 2023.

¹ Incorrectly identified in Complaint as Bruce Valley

4. Removal is appropriate because Plaintiff's Complaint raises federal questions, namely violations of federal statutes.

5. Specifically, Plaintiff's Complaint appears to allege claims of failure to provide medical care, failure to protect, failure to keep safe, and cruel and unusual punishment under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution against all Defendants. (See, Plaintiff's Complaint, Count I, ¶¶ 38-42).

6. Plaintiff's Complaint also alleges a claim described as "Monell" against all Defendants for allegedly maintaining policies, practices, procedures, and customs exhibiting deliberate indifference to Decedent's constitutional rights. (See, Plaintiff's Complaint, Count IV ¶¶ 52-55).

7. It is believed, and therefore averred, that Plaintiff intends to plead a "Monell" claim under 42 U.S.C. § 1983.

8. Federal courts have jurisdiction over claims that arise under federal laws generally, 28 U.S.C. § 1331.

9. Accordingly, this Court has removal jurisdiction because Plaintiff's Complaint raises federal questions. 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1446(d), removing Defendants will contemporaneously serve a copy of this Notice of Removal on Plaintiff, Defendants PrimeCare Medical Inc., Dr. Robert Nichols, Brent Bavington, Jennifer

Lockier, Derek Hughes, Justin Lensbower, and Emily Scordellis (“PrimeCare Defendants”) and file this Notice in the Dauphin County Court of Common Pleas.

11. Venue is proper in this Court because Defendants are situated in this District and the events giving rise to this action took place within the District. 28 U.S.C.A. § 1391(b).

12. Undersigned counsel received concurrence related to this notice of removal from John R. Ninosky, Esquire, on behalf of PrimeCare Defendants to remove this from the Court of Common Pleas of Dauphin County.

Date: November 9, 2023

Respectfully submitted,

Lavery Law

By: /s/ Frank J. Lavery, Jr.

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Defendants*

CERTIFICATE OF SERVICE

I, Ashleigh R. Weaver, an employee with the law firm of Lavery Law, do hereby certify that on this 9th day of November, 2023, I served a true and correct copy of the foregoing Notice of Removal via email and U.S. First Class Mail, postage prepaid, addressed as follows:

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/s/ Ashleigh R. Weaver
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Paralegal